

# MINUTES

Town of Wappinger Planning Board  
September 17, 2018  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

Summarized Minutes

## Members:

Mr. Flower	Chairman	Present
Mr. Ceru	Member	Present
Mr. Hussain	Member	Present
Mr. Marinaccio	Member	Absent
Mr. Pesce	Member	Absent
Mr. Phillips	Member	Present
Mr. Valdati:	Member	Present

## Others Present:

Mr. Horan	Town Attorney
Ms. Valk	Conflict Attorney
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti:	Secretary

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## SUMMARY

### Discussion:

Wappinger Farms Estate Subdivision	Resubmit
Route 376 Holdings, Inc. Lot Line & Special Use Permit	Resubmit Lead Agency designation
Wappinger Route 9D Solar Farm	Resubmit Vote on Resolution on October 1, 2018

Mr. Flower: We had a little difficulty with the minutes from the last meeting. Things have been a little busy for the secretary so we are going to defer that to the next meeting. So for the next meeting we should have both the September 5<sup>th</sup> and 17<sup>th</sup> minutes for approval at that point and time.

The next item is execution session but we are going to move that to the end.

**Discussion:**

**18-5194 Wappingers Farm Estates Subdivision:** To discuss a subdivision application for the construction of 11 single family residents on 61.00 acres in an R40/80 Zoning District. The property is located at **105 Robinson Lane** and is identified as **Tax Grid No. 6459-03-110235** in the Town of Wappinger (Day) (Lead Agency August 14, 2018)

Present: Mark Day – Engineer  
Derek Day – Engineer

Mr. Derek Day: Good evening everyone, Derek Day with Day Engineering representing our applicant Wappingers Farms Estate Subdivision. Since the last meeting we received comments from F. P. Clark and we've made revisions to the plans to address these comments. We also performed soil testing on the site with the Board of Health and we just received comment letter from them and we are addressing those comments. We generally agree with the comments but we have a couple of requests.

Mr. Mark Day: We have a couple of requests that we received recently from the consultants.

Mr. Derek Day: We are requesting a waiver....

Mr. Mark Day: We are respectfully requesting a waiver...

Mr. Derek Day: We respectfully request a waiver...

Mr. Stolman: Who's doing this presentation?

Mr. Mark Day: I'm guiding him.

Mr. Derek Day: We respectfully request a waiver to locate all of the existing trees...

Mr. Mark Day: That will be in the limits of disturbance. There are a lot of trees on this property. Frankly, the only limits that we can define are the limits towards the septic and driveway. Other than that because of the size of

the houses you really wouldn't know where the limits would be. So we are asking for a waiver from having to go and locate all of those trees.

Mr. Flower: What's the other item?

Mr. Derek Day: The second item is.....

Mr. Mark Day: It's not a waiver that we are going to ask for. There's a request for street trees. We don't have a problem with that and we submitted to the board locations for the revised driveways. At the last meeting the board had asked us to married as many as we could together. If the board is in agreement with where we are showing them, we would like to hire our surveyor to do the site line analysis. Once we get that back we would be able to set the locations of the proposed street trees if that's okay with the board. We want to make sure we are setting the trees in the right places.

Mr. Gray: If there are trees there you won't need any street trees.

Mr. Mark Day: I'm with you. We will locate the trees that we want to keep.

Mr. Stolman: There may be street trees out there.

Mr. Mark Day: If the board likes the layout in the sense of driveway locations then we can have the surveyor locate the trees and we will show it on the plans.

Mr. Flower: Has everybody reviewed the plans in terms of the driveways? Any questions or concerns about the driveways layout? In terms of marking the trees that are going to stay, any options?

Mr. Stolman: If they are appropriate trees along the street that will be fine. You don't need to plant new trees if there are appropriate trees out there.

Mr. Hussain: How many of those trees are going to stay?

Mr. Mark Day: I'm not certain until we do the site line analysis for each one of the driveways. It really is going to depend on the distances from each driveway.

Mr. Gray: We don't want trees in the right-of-way so if you are clearing in the right-of-way you are fine.

Mr. Mark Day: Okay. This is a new applicant and it's not the person you were dealing with prior. His intent is to give the property in the rear to the town for the recreation and it's not his intent to build anything.

- Mr. Flower: In terms of donating anything to the town, we still have to check the records. They are trying to pin down the exact dates the resolution was produced by the Town Board. That's going to take a little time on our part. The records are in different locations and we want to know exactly what the agreement was that was made with the town whether or not there was supposed to be something proposed. That was taken for the zoning change from R80 to R40.
- Mr. Mark Day: Right, this was rezoned back here and I just want to be clear we are not in that zone anymore and we are not developing any of that.
- Mr. Flower: What's the intent for that triangle piece at the bottom?
- Mr. Mark Day: All of that is going to be dedicated.
- Mr. Flower: So that will all go to town?
- Mr. Stolman: Mark, could you show that with some arrows? It looks like only the R80 will be donated.
- Mr. Mark Day: Anything back here is being dedicated to the town.
- Mr. Flower: It's confusing on the map.
- Mr. Mark Day: Yes, it is confusing. That's just the boundary line for the actual zoning. Anything after the R40 will be dedicated back. The other thing is the gentleman on this lot has a structure on our property and the applicant wants it off and doesn't want to dedicate land. The prior applicant was going to dedicate land.
- Mr. Gray: Is there a gravel driveway there too?
- Mr. Mark Day: That's all coming off. That's it and as Derek said we got the comments and we are trying to respond to them, right Derek?
- Mr. Stolman: May I ask a question? Are you two gentlemen related in any way?
- Mr. Mark Day: I don't know. I just met him.
- Mr. Flower: At this point we are still talking about the tree removal to show all of the trees. You are going to do the survey any way for the site distance for all the driveway locations.

- Mr. Mark Day: We will locate what are out of the right-of-way that do not affect sight distance.
- Mr. Flower: You have to make a resubmittal anyway because one of the engineer's comments was they want to confirm all of the sight distances on the driveways.
- Mr. Mark Day: Okay. Is it appropriate to set a public hearing so we can get input?
- Mr. Flower: We haven't circulated for lead agency.
- Mrs. Roberti: We circulated already.
- Mr. Flower: That was my error. I have notes written on the wrong project. What are we looking at in terms of timeframe in getting a resubmittal?
- Mr. Mark Day: I really don't know so I have to speak to the surveyor. He's been very responsive.
- Mr. Flower: Let me defer to the planner and engineer because we do have a lot of open ended stuff on both letters.
- Mr. Stolman: I think one more submission might be alright.
- Mr. Gray: I would want to see the sight distances. I think we need to prove those driveways will work before we move too far ahead.
- Mr. Mark Day: Okay.
- Mr. Flower: Once we get all that information together and get the resubmittal we can move forward.
- Mr. Mark Day: Okay.
- Mr. Flower: Once we get that resubmittal in we can schedule a public hearing.
- Mr. Gray: Mark, when you are ready to submit maybe you can meet with us we go through it and make sure everything is right then you submit it.
- Mr. Mark Day: Okay. Thank you.

**18-3400 (Site Plan), 18-5195 (Lot Line Consolidation), and 18-4081 (Special Use Permit) Rte. 376 Holdings, Inc.:** To discuss a Site Plan, Special Use Permit and a Lot Line Consolidation. The applicant is proposing the consolidation of two tax parcels and to install a fueling station with three fuel pumps and to construct a 2,600 sf. convenience store on 2.3 acres in a GB Zoning District. The property is located at **1592 Rte. 376** and is identified as **Tax Grid Nos. 6259-04-530251 and 6259-04-540266** in the Town of Wappinger. (Chazen)

Present: Kyle Bardwell – Chazen Companies  
Chris Lopane – Chazen Companies

Mr. Bardwell: Hello, my name is Kyle Bardwell from the Chazen Companies and joining me is Chris Lopane also with the Chazen Companies. We are here on behalf of our client Route 376 Holdings, Inc. Our client owns two parcels of land on Route 376 at New Hackensack Road in the Town of Wappinger. Our client has purchased these lands and they are both located in the GB Zoning District and they are seeking site plan, special use permit and lot line consolidation for these two parcels totaling 2.3 acres. They are proposing three fueling stations and a 2,600 sf. convenience store. There is currently a .46 lot on the corner and it has an existing 1,300 sf. fueling station. It was abandoned by the previous owner and occupied by Dutchess County. This site will be served by a private well, subservice disposal system. It will have 18 parking spaces with 6 additional parking spaces at the fueling stations.

Mr. Bardwell continues his overview of the project.

Mr. Lopane: Just to touch up on that this project was undergoing a rezoning and that one of the stipulations was to maintain this existing 50 feet tree line buffer. As Kyle indicated earlier this site requires a special use permit and we've been able to meet some of the conditions in terms of setbacks for the fuel tanks. Where we fall short for the special use permit we are required to have 1,000 feet setback to schools, places of worship, residential, etc. This project is abutting a residential district so we will be seeking a variance from the ZBA.

Mr. Lopane continues his overview of the project.

Mr. Flower: Is the rezoning completed?

Mr. Lopane: The rezoning has been completed.

Mr. Flower: Okay. You will need to circulate for lead agency because you will be going to the zoning board. I will now entertain a motion for the Planning Board to circulate for lead agency.

- Mr. Valdati:** **Motion to declare our intent for Lead Agency.**  
**Mr. Phillips:** Second the Motion.  
**Vote:** All present voted Aye.
- Mr. Horan:** Chris, on the rezone was SEQRA been done?
- Mr. Lopane:** Yes.
- Mr. Horan:** Was that a Type 1? Was the site plan and special permit contemplated as part of that?
- Mr. Lopane:** We conducted the rezoning separately from the site plan and special use permit. There was a SEQRA conducted for the rezone.
- Mr. Stolman:** Chris, if you look at Section 240-52(b) regarding canopy extending into the front yard. It's in our memo. I think you got our memo.
- Mr. Lopane:** I haven't received any memos.
- Mr. Stolman:** It is certainly up to Barbara and you may not need a variance.
- Mr. Lopane:** That would be great.
- Mr. Gray:** My apologizes Chris we had the wrong consultant on this.
- Mrs. Roberti:** I'll give you my copies.
- Mr. Stolman:** We sent it to [KBardwell@chazencompanies.com](mailto:KBardwell@chazencompanies.com).
- Mr. Lopane:** We are getting them now.
- Mr. Stolman:** We will prepare the Lead Agency notice and get it to Bea.
- Mr. Flower:** You can go back and re-evaluate if you still need the second variance which might not be an issue at this point.
- Mr. Horan:** This is an issue that is going to come up at the ZBA. When you measured the distances, how did you measure them?
- Mr. Bardwell:** Property line to property line.
- Mr. Horan:** Okay, so it says property line to property line. New York State Liquor Authority measures door to door.

- Mr. Bardwell: I do know in your special use permit you measure your setback for the fuel tanks to be the inlet to the tank.
- Mr. Valdati: Is there going to be any repair done on this site?
- Mr. Bardwell: No.
- Mr. Flower: David, any other comments?
- Mr. Stolman: No, not really. He has our memo. No show stoppers.
- Mr. Lopane: We have requested a meeting with the DOT to review our plans. We are waiting for them to offer us a date.
- Mr. Flower: That's for the access for Route 376.
- Mr. Lopane: It's our understanding that the Dutchess County Water & Waste Authority is extending the water service to the south?
- Mr. Gray: They are extending behind the apartments and the assisted living facilities. They are running a water main behind there. I did the conceptual drawings to bring water main across to New Hackensack Heights to loop around to Airport Drive instead of a water main on Route 376. There were concerns about the turning movements on Route 376. I think you should only have left turn lanes.
- Mr. Lopane: That would make sense.
- Mr. Gray: You are proposing a right turn in and right turn out?
- Mr. Lopane: Yes.
- Mr. Gray: Did the board see that? There will be no left turn road coming out of the site onto Route 376. If you want to go south on Route 376 you exit on New Hackensack Road. It's a lot safer than coming out of the gas station.
- Mr. Flower: I agree with that.
- Mr. Gray: That property had a concern about that during the zoning change. I told them that it would be much safer for cars to be making a left turn from Hackensack Heights even though he didn't like that.
- Mr. Bardwell: We will have to redo the landscaping.

- Mr. Gray: I had questions about the pollution issue. There were concerns about pollution migrating into his property.
- Mr. Horan: What's the status of the clean up right now?
- Mr. Lopane: There were three facilities that were purchased from the County and this is number 3 on the cleanup list.
- Mr. Horan: Do the DEC do any cleanup work on the site?
- Mr. Lopane: No. They took the property over and never did any investigation or cleanup work.
- Mr. Horan: Are there any spills notices filed?
- Mr. Lopane: I believe so and the tanks were never maintained.
- Mr. Stolman: This may or may not require a variance. Maximum freestanding sign size is 25 sf. and what's being proposed is 60 sf. The Planning Board has the latitude to modify that.
- Mr. Flower: They are going to the ZBA anyway so they can add that to the variance.
- Mr. Stolman: That's Item 4b.
- Mr. Lopane: Most people are familiar with the type of signs he's proposing. Like the sign that Mr. Nesheiwat has at Route 55 and Taconic State Parkway. He's trying to make it standard for the majority of his stations.
- Mr. Horan: Chris, for purposes of the ZBA if you can submit some measurements for the existing sign that's still out there.
- Mr. Gray: There is still a sign there with price on it.
- Mr. Lopane: I know there were more things we had to remove from the site.
- Mr. Horan: For purposes of granting the variance for their consideration of the site. That would be helpful.
- Mr. Lopane: So we circulate for lead agency and we come back for another presentation to the board and would you then refer us to the ZBA?
- Mr. Stolman: I would say you can start with the ZBA at any time you want but they can't act until the Planning Board issues a negative declaration.

- Mr. Lopane: I was under the impression that you had to get a referral.
- Mr. Flower: You are saying we have to declare a negative declaration?
- Mr. Stolman: Yes, before the Planning Board can act.
- Mr. Horan: With respect to the sign variance it may be appropriate for the Planning Board to make a recommendation but for the big variance it's not contingent upon the design itself. You are not really going to need a recommendation.
- Mr. Stolman: Not to contradict you at all because I'll never do that but if the Planning Board was going to recommend in favor they could change it right now. They have the authority to.
- Mr. Horan: No, I was saying with respect to the sign the Planning Board is not in a position to make a recommendation one way or the other.
- Mr. Lopane: I think it is on us to revisit the signage to see if a 60 sf. sign will even fit. We owe it to the board to do more work on that.
- Mr. Flower: We'll have to look and see what's on there anyway in order for us to move forward.
- Mrs. Roberti: We have not taken a sign and sent it to the ZBA in years so they may wonder why you are sending this one to them. Just to keep that into consideration. That will be a question they are going to bounce back at us.
- Mr. Lopane: We will go out there and check it out and come back with a submittal on the sign.
- Mr. Flower: You are going to do that?
- Mr. Lopane: Yes and I will give you a breakdown of what the signage is along that corridor.
- Mr. Flower: How do you guys feel about that and let them do the legwork.
- Mr. Hussain: It makes sense.
- Mr. Flower: As long as you do your due diligence.
- Mr. Valdati: Mrs. Roberti, are there any other gas stations nearby?

- Mr. Lopane: They all exceed the 2500 feet separation for the special use permit.
- Mrs. Roberti: There's one at the corner of Maloney and Route 376 and I think the next closest one would be near Summerlin Plaza.
- Mr. Flower: Put everything together and we will review it.

**17-3360 / 17-4073 Wappinger Route 9D Solar Farm**: To discuss the design of the new road and fence lines on a site plan and special use permit application for a 2.5 MW DC ground mounted (photovoltaic system) solar farm on 48.2 acres in an NB and R40/80 Zoning District. The property is located on **Route 9D** and is identified as **Tax Grid No. 6057-04-898012** in the Town of Wappinger. (Chazen) (LA June 15, 2017) (Opened & Closed Public Hearing January 17, 2018)

Present: Michael Cuchiara – Nexamp

Mr. Flower: So tonight you are here with changes to the original plan.

Mr. Cuchiara: Good evening. Yes, we are seeking a site plan amendment for two changes to the project. The first and most impactful is a change in where we are going to place the inverters and the need for a 1500 sf. road to access that. The second issue was we had a racking change we had originally permitted with the board. There were new options for that racking which allowed us to have a more cost effective racking implementation. We need less penetration in the ground however it required more spacing. We are seeking the ability to push out the original fence about 60 feet both in the north and south. We wanted to come to you with these changes to get your comments and recommendations.

Mr. Cuchiara continues.

Mr. Flower: The SWPPP is going to change according to this?

Mr. Cuchiara: Nick Vamvas from Chazen was able to join me tonight and he will be able to update that SWPPP and show the additional swale that we will be showing to deal with the additional 1500 sf. impervious surface.

Mr. Flower: David, is there anything we need to do regarding the disturbance area?

Mr. Stolman: I would say it's so minor and we won't need to.

- Mr. Cuchiara: Thank you David for confirming that. There really isn't any additional disturbance because this area that we are already going into is already cleared. It's really just moving of the fence line in that cleared area.
- Mr. Stolman: It's not going to be going into wetlands at all.
- Mr. Flower: What are you going to do for a laydown area?
- Mr. Cuchiara: I think we are going to do some staging of how we are going to construct. We will attempt to use this with a little less area.
- Mr. Flower: Any questions?
- Mr. Hussain: What is the project production going to be?
- Mr. Cuchiara: It still remains the same 2.5 megawatts dc and 1.95 ac.
- Mr. Flower: We can vote to amend this.
- Mr. Horan: What would be appropriate is for the next meeting we would prepare an amended resolution. Does that plan incorporate all of the changes?
- Mr. Cuchiara: It does not have the increased swale.
- Mr. Horan: The plat that would be signed by the chairman will have the swale in it? We will authorize the preparation of an amended resolution based on that plan.
- Mr. Flower: You are going to update the entire set for the submission. Whatever you submit will be what we put on file.
- Mr. Horan: So the amended resolution wouldn't be condition resolution it would be a final and if all of those changes are incorporated on the plans that would be a final resolution and not conditional.
- Mr. Stolman: Have we done a compliance review relative to the last resolution?
- Mrs. Ogunti: No.
- Mr. Cuchiara: No we have not. We have been waiting for the final DOT permit and we have our preconstruction meeting this week and that would be one of the final signoffs. We've sent a few items in that we've checked off.
- Mrs. Roberti: Normally, you or your engineer will send in a couple sets of plans outlining how you've met all of the conditions. In the resolution there

would things like taxes, deed, comments from the DOT and you would incorporate that and Bea will then send it out to the professionals and when she gets the signoff letters without any issues, at that time we ask for 6 copies so the chairman can sign. If you haven't gotten that far, I won't revise the plans.

- Mr. Stolman: I think the conditions should be the old resolution because you don't know if they've been fulfilled or not.
- Mr. Flower: At this point we need to vote on the revised plans.
- Mr. Horan: Do you anticipate any further changes on the plans?
- Mr. Cuchiara: We do not. We feel this is final.
- Mr. Horan: I agree it should be a conditional approval. If there are any conditions related to the plan I think they should be incorporated.
- Mr. Stolman: We don't know if everything has been fulfilled because there has been no compliance review.
- Mr. Horan: The plan that will be submitted should include whatever changes that were made.
- Mr. Stolman: We will need to do a compliance review to review those plans again.
- Mr. Flower: So you are going to prepare for the next meeting.
- Mr. Stolman: I know exactly what you need whatever that is.
- Mr. Cuchiara: What would that deadline submission be for the next meeting?
- Mr. Flower: Last week.
- Mr. Cuchiara: Anyway we can get on the next agenda?
- Mr. Stolman: You have some time.
- Mr. Cuchiara: In the meantime, I will get you an updated set.
- Mr. Horan: Then I'll send you a final draft of the stormwater management and I don't know if the SWPPP date is going to change.
- Mr. Flower: So we are going to have the planner amend the resolution.

Mr. Stolman: You just need to authorize me to do that.

**Mr. Phillips:** **Motion to authorize the Town Planner to prepare a Resolution.**  
Mr. Valdati: Second the Motion.  
Vote: All present voted Aye.

**Mr. Valdati:** **Motion to go into Executive Session for Legal Advice**  
Mr. Phillips: Second the Motion.  
Vote: All present voted Aye.

**Mr. Phillips:** **Motion to come out of Executive Session.**  
Mr. Valdati: Second the Motion.  
Vote: All present voted Aye.

**Mr. Valdati:** **Motion to Adjourn.**  
Mr. Phillips: Second the Motion.  
Vote: All present voted Aye.

Adjourned: 8:54 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board